

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

The Law Office of
Aniello D. Cerreto, Esq.

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Website: www.adcesq.com

23-21777

13

[1-24-2024]

[SLM]

In Re:

*Ayyaz Ahmed and
Aysha Khan*

Case No.: _____

Chapter:

Hearing Date:

Judge:

OBJECTION AND CROSS NOTICE OF MOTION TO

1. _____ *Deny the motion of Andre L. Kydala, Esq.*
2. _____ *Extend the Stay of protection beyond 30 days.*
3. _____ *Convert the case from a chapter 13 to a chapter 11*

The Law Office of Aniello D. Cerreto, Esq., representing the debtor, has filed papers with the court to grant the above listed relief.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the court to grant this motion, or if you want the court to consider your views, you or your attorney must file with the clerk at the address listed below, a written response explaining your position no later than 7 days prior to the hearing date.

Hearing Date: [1-24-2024]
Hearing Time: [10:00 am]
Hearing Location: [50 Walnut Street, 3rd Floor
Newark, N.J. 07102
Courtroom 3A]

Courtroom Number: [3A]

If you mail your response to the clerk for filing, you must mail it early enough so the court will receive it on or before 7 days prior to the hearing date.

You must also mail a copy of your response to:

Marie-Ann Greenberg
Chapter 13 Standing Trustee
30 Two Bridges Rd
Suite 330
Fairfield, NJ 07004-1550

Andre L. Kydala, ESQ. 54 old Highway 88, Clinton, NJ 08809

Amex
Po Box 981540
El Paso, TX 79998-1540

Anda Inc.
2915 Weston Rd
Weston, FL 33331-3627

Atlantic Health System
Po Box 21385
New York, NY 10087-1385

BMW Financial Services
Po Box 3608
Dublin, OH 43016-0306

Borough of Butler
1 Ace Rd
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Capital Bank, Opensky Cbnk
2275 Research Blvd Ste 600
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Po Box 30285
Salt Lake Cty, UT 84130-0285

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San Antonio, TX 78201-2092

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221 Main St Ste 400
San Francisco, CA 94105-1913

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6801 S Cimarron Rd
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Marlton, NJ 08053-3475

Fox Rothschild LLP
49 Market St
Morristown, NJ 07960-5122

GCM Capital
360 Hamilton Ave Ste 615
White Plains, NY 10601-1845

JPMCB Auto
Po Box 901076
Fort Worth, TX 76101-2076

KML Law Group P.C.
JEK, Esq.
RPA, Esq.
701 Market St Ste 5000
Philadelphia, PA 19106-1541

Leonite Capital LLC Pashman Stein Walder Hayden
21 Main St 200
Hackensack, NJ 07601-7054

Mackie Wolf Zientz & Mann, PC
14160 Dallas Pkwy Ste 900
Dallas, TX 75254-4314

Macys
Po Box 71359
Philadelphia, PA 19176-1359

Marine Midland Mortgage
Po Box 26648
Oklahoma City, OK 73126-0648

Morris County Sheriffs Office
56 Washington St
Morristown, NJ 07960-6812

NYC Dept. of Finance
Po Box 3615
New York, NY 10008-3615

PORTFOLIO RECOV ASSOC
120 Corporate Blvd
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9098 Fairforest Rd
Spartanburg, SC 29301-1134

Stone Oaks Property Owners Assoc. Inc.
19210 Huebner Rd Ste 100
San Antonio, TX 78258-3103

Tenaglia and Hunt Pa Your client Citibank N.A.
Attn: Jason Sikoryak Esq.
395 W Passaic St Ste 205
Rochelle Park, NJ 07662-3016

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Shavano Park, TX 78249-2066

Truist Mortgage
Po Box 849
Wilson, NC 27894-0849

USCB Corp
Po Box 75
Archbald, PA 18403-0075

Value Drug Company
195 Theater Dr
Duncansville, PA 16635-7144

Zeichner Ellman & Krause LLP
1211 Avenue of the Americas
New York, NY 10036-8701

If you, or your attorney, do not take the steps outlined above, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date:

/s/Aniello D. Cerreto, Esq.

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COURT DISTRICT OF NEW JERSEY

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In Re:

*Ayyaz Ahmed and
Aysha Khan*

23-21777

[13]

[1-24-2024]]

Case No.: _____

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Judge: SLM

JOINT CERTIFICATION OF *Aysha Khan and Ayyaz Ahmed*

I/We, *Aysha Khan and Ayyaz Ahmed*, debtors in the above captioned case, submit this Certification in support of this Objection and Cross Motion for relief.

1. I/We previously filed a Chapter 13 matter in March 2023 that was dismissed.
2. This present Chapter 13 was filed 12-21-2023.
3. We seek to extend the stay of protection beyond 30 days and to convert the case to chapter 11.
4. There are some extenuating circumstances that we respectfully ask the court to consider.
5. When I/we filed the March 2023 chapter 13, I was pro se and our 2022 tax return revealed zero taxable income.
6. While my 2023 tax return has not yet been completed, it is expected to indicate and show substantially more income than 2022. Further my filed schedule I indicates over \$15,000.00 of monthly income.
7. I/We were previously charged and remain in a pending criminal matter that required my main source of income at the time to be frozen and to cease operations. I then began a subsequent income operation as a event manager which is my present income provider while the pending criminal matter gets resolved and I do expect to be exonerated with time.
8. I/We maintain to be innocent of the criminal charges and did not steal anything. However, with the realities of life and because of the size of my prior business, and because of the numbers of transactions therein and because of the numbers of involved parties and or entities, and because the business requires specialized knowledge, it is taking the prosecuting attorneys in the criminal matter, with my/our voluntary good faith co-operation and assistance, to work through the matter as they track the finances and records to verify I did not in fact improperly retain anything.
9. However the business was, is, and remains frozen and I/we are not allowed for it to be presently conducted so it caused I/we to need bankruptcy protection as we seek to work out a plan of repayment and or reorganization.

10. I have been advised given the amount of the debts that I must file under chapter 11 so my attorney herein is assisting me with this motion to do so.
11. I am reasonably confident I can work out an acceptable plan of repayment and or re-organization with my creditors. I just need time as I both work to increase my income as a florist and acceptably work out the criminal matter so I can eventually have said employment ability reinstated.
12. The motion of *Andre L. Kydala, Esq.*, I submit he does not have standing to make as I am not a party to his present State Court Eviction lawsuit that involves only my brother and or our parents. Previously I had sought to purchase the property of Mr. Kydala's clients but with the present state of circumstances that previously before my bankruptcy filing "changed" and my brother and parents are seeking to purchase the property without me. I do not owe Mr. Kydala's client's any money. My brother and parents live in the property of Mr. Kydala clients. The legal issues of my brother, my parents and Mr. Kydala's clients no longer legally involved me but since we were previously a party to a prior state court lawsuit, I suspect that is why Mr. Kydala is intervening in our bankruptcy here since his lawyer advised my lawyer that the State Court Judge wanted something from the Bankruptcy court to allow him to proceed with his State Court case against my parents and brother.
13. I/We certify under penalty of perjury that the above is true.
14. Respectfully, submitted. 15/ Ayyaz Ahmed

Ayyaz Ahmed

Aysha Khan

10. I have been advised given the amount of the debts that I must file under chapter 11 so my attorney herein is assisting me with this motion to do so.
11. I am reasonably confident I can work out an acceptable plan of repayment and or re-organization with my creditors. I just need time as I both work to increase my income as a florist and acceptably work out the criminal matter so I can eventually have said employment ability reinstated.
12. The motion of *Andre L. Kydala, Esq.*, I submit he does not have standing to make as I am not a party to his present State Court Eviction lawsuit that involves only my brother and or our parents. Previously I had sought to purchase the property of Mr. Kydala's clients but with the present state of circumstances that previously before my bankruptcy filing "changed" and my brother and parents are seeking to purchase the property without me. I do not owe Mr. Kydala's client's any money. My brother and parents live in the property of Mr. Kydala clients. The legal issues of my brother, my parents and Mr. Kydala's clients no longer legally involved me but since we were previously a party to a prior state court lawsuit, I suspect that is why Mr. Kydala is intervening in our bankruptcy here since his lawyer advised my lawyer that the State Court Judge wanted something from the Bankruptcy court to allow him to proceed with his State Court case against my parents and brother.
13. I/We certify under penalty of perjury that the above is true.
14. Respectfully, submitted.

Ayyaz Ahmed

1/3/ Aysa Khan

Aysa Khan

[23-21777]

[13]

[1-24-2024]

[SLM]

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COURT DISTRICT OF NEW JERSEY

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In Re:

*Ayyaz Ahmed and
Aysha Khan*

Case No.: _____

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STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: 1/3/ Ayyaz Ahmed _____
Ayyaz Ahmed Aysa Khan

STATEMENT AS TO WHY NO BRIEF IS NECESSARY

In accordance with D.N.J. LBR 9013-1(a)(3), it is respectfully submitted that no brief is necessary in the court's consideration of this motion, as it does not involve complex issues of law.

Date: _____ 1/1/ Aysa Khan

Ayyaz Ahmed

Aysa Khan

Signature Certificate

Reference number: YC8O4-ZDXUQ-HF4EL-PPMES

Signer

Timestamp

Signature

Ayyaz Ahmed

Email: mahmed19891@icloud.com

Sent:

15 Jan 2024 13:24:33 UTC

Viewed:

15 Jan 2024 15:53:07 UTC

Signed:

15 Jan 2024 15:53:20 UTC



Recipient Verification:

✓ Email verified

15 Jan 2024 15:53:07 UTC

IP address: 172.59.208.68

Location: Newark, United States

Document completed by all parties on:

15 Jan 2024 15:53:20 UTC

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Signature Certificate

Reference number: CT5IJ-XUXR8-XNUWX-LRZZP

Signer**Timestamp****Signature**

Aysha Khan

Email: akhan1153@gmail.com

Sent:

15 Jan 2024 13:19:20 UTC

Viewed:

15 Jan 2024 14:07:19 UTC

Signed:

15 Jan 2024 15:40:23 UTC

Aysha Khan

Recipient Verification:

✓Email verified

15 Jan 2024 14:07:19 UTC

IP address: 172.59.208.68

Location: Newark, United States

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Case No.: 23-21777

Chapter: 13

Hearing Date: 1-24-2024

Judge: SLM

In Re:

*Ayyaz Ahmed and
Aysha Khan*

ORDER:

The relief set forth on the following pages, numbered two (2) through _____
_____ is **ORDERED**.

The Court having reviewed the movant's *Objection and cross-motion*, and any related responses or objections, it is hereby

ORDERED that:

1. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* _____

2. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate*

numbered paragraph] _____

3. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* _____

4. *[Enter the relief sought or ordered by the Court at the hearing. Each item of relief must be set forth in a separate numbered paragraph]* _____

| | |
|---|--|
| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| Caption in Compliance with D.N.J. LBR 9004-1(b) | |
| The Law Office of Aniello D. Cerreto, Esq. Gordons Corner Professional Plaza 215 Gordons Corner Road – Suite 1i Manalapan, NJ 07726 Phone: 732-664-4739 Fax: 732-391-6682 Email: Adclawoffice@gmail.com Website: www.adcesq.com | |
| In Re: | |
| Ayyaz Ahmed and Aysha Khan | |

| | |
|---------------|------------------|
| Case No.: | <u>23-21777</u> |
| Chapter: | <u>13</u> |
| Adv. No.: | <u></u> |
| Hearing Date: | <u>1-24-2024</u> |
| Judge: | <u>SLM</u> |

CERTIFICATION OF SERVICE

1. I, Aniello D. Cerreto, Esq. :
- ☒ represent Debtors in this matter.
- ☐ am the secretary/paralegal for _____, who represents _____ in this matter.
- ☐ am the _____ in this case and am representing myself.
2. On 1-16-2024, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below.
Objection and Cross-motion
Certification of debtors
Statement why no brief necessary
Proposed Order
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Date: 1-16-2024

/s/ Aniello D. Cerreto, Esq.
Signature

Name and Address of Party Served

Parties below all creditors

Mode of Service - all parties
below served regular and
certified mail

Marie-Ann Greenberg
Chapter 13 Standing Trustee
30 Two Bridges Rd
Suite 330
Fairfield, NJ 07004-1550

Andre L. Kydala, Esq.
54 Old Highway 22
Clinton, NJ 08809

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Po Box 981540
El Paso, TX 79998-1540

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Morristown, NJ 07960-6812

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